

REMARKS/ARGUMENTS

Favorable consideration of this application is respectfully requested.

In response to the Examiner's requirement for restriction, Applicants elect Group I (claims 1-3 and 16), with traverse, for prosecution in this application. The Examiner is requested to reconsider the requirement and to consider all of the claims in the present application for the reasons that follow.

The Examiner contends that the claims are not novel over Sullivan et al.

Applicants submit that there does not appear to be any homology between the sequence of the reference and the claimed subject matter. Accordingly, the claims are novel relative to the cited document. The Examiner's assertions to the contrary, the technical feature shared by the Groups is special.

All of the instant claims define a unified inventive feature. The inventive concept is not that the claims cover ADPG transporters *per se*. The inventive concept linking the claims is in fact the structural feature represented by the amino acid sequences covered by claim 1. Applicants therefore respectfully submit that the criteria for assessing unity of invention has not been applied properly and that requiring restriction is not proper. Therefore, both Groups I and II should be examined in the same application. Again, reconsideration is requested.

An early and favorable Action on the merits is awaited.

EMES et al
Appl. No. 09/646,532
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Respectfully submitted,

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